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**FILED**

NOVEMBER 7, 2007

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF :

PHILIP B. EATOUGH, D.O. :  
LICENSE NO. MB02599600 :

Administrative Action

TO PRACTICE MEDICINE AND SURGERY :  
IN THE STATE OF NEW JERSEY :

INTERIM CONSENT ORDER

This matter was opened to the State Board of Medical Examiners ("Board") upon receipt of information that Philip B. Eatough, D.O. has been indicted by a federal grand jury on one count of Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C. § 846 and ten counts of Distribution of Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1) and -(b)(1)(C), 18 U.S.C. § 2 and 21 C.F.R. § 1306.04. Dr. Eatough has pleaded not guilty to the charges against him.

In order to avoid unnecessary proceedings in this case, Dr. Eatough consents and agrees to each and every term of this Consent Order. The Board has determined that the within disposition is necessary to protect the public health, safety and welfare. For

**CERTIFIED TRUE COPY**

such reasons and other good cause shown,

IT IS on this 30<sup>th</sup> Day of October, 2007,

ORDERED:

1. Dr. Eatough shall fully comply with the terms of the Amended Order Modifying Conditions of Release, filed in the United States District Court, District of New Jersey, on October 12, 2007:

a. Dr. Eatough holds a previously unrestricted license to practice medicine and surgery in the State of New Jersey, which is now subject to the restriction that he shall comply with the Amended Order Modifying Conditions of Release;

b. Dr. Eatough acknowledges that he has surrendered all of his prescription pads to Pretrial Services;

c. Dr. Eatough shall immediately obtain new prescription pads expressly stating they are not valid for schedule II controlled substances. Copies of all order forms for these pads and a voided prescription sample must be provided to the State Board of Medical Examiners;

d. Dr. Eatough shall not prescribe or authorize prescriptions for any schedule II controlled substances unless or until his schedule II registration is reinstated by the DEA and by further order of the Board, which shall not be

unreasonably withheld. Dr. Eatough acknowledges that he has already submitted a letter to the DEA seeking modification of his registration to omit schedule II controlled substances;

e. Patient files may be inspected by the DEA and copies of the files obtained by the DEA. Dr. Eatough acknowledges that he is also subject to the investigative powers of the State Board of Medical Examiners enumerated in N.J.S.A. 45:1-18;

f. Dr. Eatough shall notify present and future patients that he cannot prescribe schedule II controlled substances and he shall obtain and maintain the signature of each and every patient acknowledging that they have been so informed; and

g. Dr. Eatough acknowledges that he has provided a copy of the Indictment and Amended Order Modifying Conditions of Release to the DEA and AMA and he shall also provide the DEA and the AMA with a copy of this Order.

2. Nothing in this Order shall prohibit the Board or other law enforcement agency from taking further action in this matter as needed to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Mario A. Criscito MS  
Mario Criscito, M.D.  
Board President

I have read the within Consent Order.  
I understand the Order and I agree to  
be bound by its terms and conditions.

Philip B. Eatough, D.O.

Dated:

Consented to as to form.

John P. McDonald  
John P. McDonald  
McDonald & Rogers, LLC  
Attorney for Dr. Eatough

Dated: 10/31/07

FROM :

7227532

FAX NO. : 7328428836

Oct. 30 2007 04:48PM P1  
04 19 45 p.m. 10-30-2007 6/6

I have read the within Consent Order.  
I understand the Order and I agree to  
be bound by its terms and conditions.



Philip B. Eatough, D.O.

Dated: 10/30/07

Consented to as to form.

John P. McDonald  
McDonald & Rogers, LLC  
Attorney for Dr. Eatough

Dated: